

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN D. LOCKET,

Petitioner, No. CIV S-08-2895 GEB KJM P

vs.

RICHARD B. IVES,

Respondent. ORDER

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Petitioner, a federal prisoner proceeding pro se, has filed a document he calls an application for writ of habeas corpus under 28 U.S.C. § 2241. Petitioner challenges a conviction he suffered in the United States District Court for the District of Minnesota. Because petitioner challenges his conviction, his application must be construed as an application for writ of habeas corpus under 28 U.S.C. § 2255. See Porter v. Adams, 244 F.3d 1006 (9th Cir. 2001). Section 2255 applications must be heard in the district where the conviction and sentence were entered. 28 U.S.C. § 2255(a). For these reasons, the court will order that this action be transferred to Minnesota.

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1 Accordingly, IT IS HEREBY ORDERED that this action is transferred to the
2 United States District Court for the District of Minnesota.

3 DATED: February 23, 2009.

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5 U.S. MAGISTRATE JUDGE

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